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C O N F I D E N T I A L ANKARA 001604

SIPDIS

DEPARTMENT FOR EUR/SE AND S/CT

TREASURY FOR A/S COHEN, CHRIS BURDICK

E.O. 12958: DECL: 11/06/2029  
TAGS: PTER PREL EFIN IZ DA TU  
SUBJECT: TURKEY: MFA READY FOR BILATERAL CT DIALOGUE;  
PREDICTS PKK RETURNEE PROCESS WILL RESUME SOON

REF: A. ANKARA 1600  
      B. ANKARA 1514

Classified By: POL Counselor Daniel O'Grady, for reasons 1.4(b,d)

11. (C) Summary. Turkey is willing to explore inaugurating the official high-level counterterrorism (CT) dialogue as early as January 2010, MFA DDG for Security Affairs Ozyildiz told us November 5. An interagency task force is preparing changes to Turkey's legal definition of terrorism to satisfy Financial Action Task Force (FATF) requirements, but expects to have only new implementation mechanisms in place in time for FATF's February review. Ozyildiz was firm that the PKK returnee process will resume after a brief respite to calm the public furor, and said the GOT's focus is now on Makhmour. He cautioned that the PKK leadership will need to serve a nominal prison term. On ROJ-TV, Ozyildiz asserted the Danes are pleased with the most recent information provided by the Turks and are moving forward with a court case, though more slowly than the Turks would like. End Summary.

Bilateral Dialogue, Cicek Visit, MFA changes

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12. (C) During a November 5 review of U.S.-Turkey counterterrorism-related issues, MFA Security Affairs DDG Inan Ozyildiz reported that MFA's new Security Affairs DG, Aydin Adnan Sezgin, has been on board for about six weeks and agreed to suggest to Sezgin that the two sides officially begin our high-level counterterrorism dialogue. Mid-January would likely be the earliest Sezgin could lead an interagency group to Washington. Ozyildiz volunteered that Deputy Prime Minister Cemil Cecek could possibly reschedule his postponed U.S. visit in March. Commenting on the new line-up at MFA, he noted changes are still underway. For example, the MFA has created a new Directorate General for the Balkans. Other portfolios remain unclear. He speculated the MFA is likely to revert to the 1990s structure in which the Security

Affairs DG reported directly to the Under Secretary rather than through a Deputy Under Secretary.

Counterterrorism Definition and FATF Review

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13. (C) Asked about the Financial Action Task Force review, due out in February, and Turkish efforts to revise its definition of terrorism to meet FATF concerns, Ozyildiz acknowledged that an interagency working group lead by MASAK (Turkey's FIU), and also including MFA, Justice and the Turkish National Police (TNP), has been meeting to address the issue. They have prepared a number of possible changes to articles one and four of the current law which would, among other things, bring UN counter terrorism finance (CTF) sanctions into Turkish law. However, they know it will be difficult to pass the required legislation by February. In the interim, they plan to institute new CTF implementation mechanisms to demonstrate they are moving in the right direction. In this context, Ozyildiz noted that Turkey will assume the chair of UNSC's Counterterrorism Committee in January.

PKK Returnees from Northern Iraq

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14. (C) Despite the considerable public backlash against celebrations in the Southeast of PKK returnees from northern Iraq, Ozyildiz insisted the process would continue after a decent interval. He divided future returnees into civilian Camp Makhmour residents, PKK members who had not committed

any terrorist crimes, and the PKK leadership. Returns from northern Iraq would likely resume first with Makhmour residents, he said. Turkey continues to work with UNHCR in Iraq on the matter, but is resisting UNHCR's request that the agreement they concluded two years ago be revised to allow UNHCR supervision of the entire resettlement process within Turkey. They do not see this as a classic refugee situation but the return to Turkey of Turkish citizens; Turkey can and must handle it alone. Turkey will, however, depend on UNHCR for detailed information on camp residents as it moves forward with planning. Turkey also insists that Iraq do more to rid Camp Makhmour of PKK propaganda and influence, which it contends remains rife. Turkey is concerned that perhaps less than 50 percent of the camp's residents will choose to return to Turkey; Iraq needs to be prepared to integrate the remaining residents. Ozyildiz commented, however, that Arab countries do not have a good "track record" on such matters.

15. (C) PKK militants would be reintegrated under Article 221 of the Turkish Penal Code (which allows for charges to be dropped against a suspect if they "repent" of their crimes), Ozyildiz continued. "General amnesty" is not a viable political option because of Turkey's unfortunate experience with past amnesties. Following the model used with the first group of militant returnees in late October, the militants would be held and questioned and then released (REF B). The major issue remained how to deal with the PKK leadership. Ozyildiz dismissed speculation they would be allowed to seek resettlement in sympathetic European countries such as Norway. Such an avenue, he stated, runs counter to increasingly successful efforts to extradite PKK leaders from Europe. More likely, he noted, they would be required to spend a nominal time in prison that could be worked out in principle prior to their return.

ROJ TV

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16. (C) Turkey has provided additional information to the Danes regarding ROJ TV, Ozyildiz reported, and the Danes seemed pleased with the quality of that new information. The Danes want to put together a solid case against ROJ and so, they say, want to take their time to get it right rather than risk acquittal by the jury. Ozyildiz expressed reserved appreciation for Denmark's actions, but acknowledged

lingering concerns that Copenhagen's deliberateness in moving forward might actually be foot-dragging to buy time and wait out events. He went out of his way, however, to thank the United States for its role in encouraging European nations to crack down on the PKK's criminal fund-raising activities.

Turkey-Iraq

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¶7. (C) Ozyildiz noted that the Iraq-Turkey Counterterrorism Agreement (REF A) will be passed to Parliament for ratification and the Government fully expects the opposition to complain that Article 4 regarding "hot pursuit" into Iraq was dropped. For the mirror-image reason, the Iraqis insisted that this article be deleted because of their experience with the US-Iraq SOFA. Despite the opposition's criticism, Ozyildiz said he expects ratification early next year because the ruling party already has an easy majority. He noted that the budget is consuming much of Parliament's attention now through the end of the year - and that the ministries as well are focused largely on this budget process. Separately, Ozyildiz was open to joining MNF-I and Iraqi officials for a proposed tour of Habur Gate facilities.

Comment

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¶8. (C) We were encouraged by the positive tone of Ozyildiz's remarks and Turkey's readiness to inaugurate our formal high-level CT dialogue. We were also struck by his proactive suggestion that DPM Cicek could be ready to reschedule his postponed U.S. visit. We hope to use these occasions to press forward on our dormant efforts to increase CT information-sharing, among other issues. Separately, confirmation by Ozyildiz of Turkey's intention to revise its legal definition of terrorism offers another opportunity to press on concerns in this area. On PKK returnees, Ozyildiz seemed surprisingly comfortable rebutting the current consensus that the process is dead. This suggests the government's resolve on this issue goes beyond the short-range impact of its lagging poll numbers.

JEFFREY

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